

Application No. 09/919,619
Attorney docket no. 021123-0281519
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REMARKS

I. Status of the claims

Claims 1-3, 6-9, 11, and 13-17 are pending in this application. In this response, the subject matter of claim 4 has been incorporated into claims 1 and 9, and claim 4 has been cancelled. Claims 2, 6, 8, 11, 15, 16, and 18 have also been amended to place the claims in more proper condition. The amendments to claims 6 and 18 conform the claims with the scope of original claims.

II. Claim objection

The examiner has objected to claim 11 because the term "a fleeces" should be recited as "a fleece." Applicants have amended the claims as suggested by the examiner in this response.

III. Rejection under 35 U.S.C. § 112

The examiner has rejected claims 2, 4, and 8 under 35 U.S.C. § 112, second paragraph as being indefinite.

The examiner rejected claim 2 because the term "a salt, especially a halogenide" was considered indefinite. Applicants have amended claim 2 in this response to remove the phrase "especially a halogenide" from the claim recitation.

The examiner rejected claim 4 because the term "an amount corresponding to 20 to 80% by wt." was considered indefinite. Applicants have amended the language of claim 4, now recited in claim 1, to "an amount between 20 to 80% by weight."

The examiner rejected claim 8 because the hydrogen phosphate recitation was considered redundant. Applicants have removed the term "hydrogen phosphate" from the claim recitation.

As the claims have been amended to cure the informalities cited by the examiner, Applicants respectfully request that the examiner withdraw the § 112, second paragraph rejections.

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IV. Rejections under 35 U.S.C. § 103(a)

The examiner has rejected claims 1-4, 6, 9, 11, 13, and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,036,731 to Scheibli et al. ("Scheibli") taken alone or in view of U.S. Patent No. 4,104,250 to Boyer ("Boyer"). The examiner has also rejected claims 7, 8, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable as applied to the above rejection, further in view of U.S. Patent No. 3,776,767 to Buehler et al. ("Buehler").

The examiner states that Scheibli teaches cellulose fibers having amino-s-triazine compounds treated under alkaline conditions. While Scheibli is silent as to the flameproof properties of the compounds, the examiner states that the Scheibli compounds would necessarily have the same properties as Applicants' claimed compounds. Alternatively, the examiner cites Boyer as teaching triazine compounds that have a high degree of flame retardance. In view of Boyer, the examiner concludes that the compounds disclosed in Scheibli would be flameproof. With respect to the second rejection, the examiner cites Buehler as teaching a 1,3,5-triazine compound such as cyanuric chloride and also disclosing that further ingredients, such as phosphorus-containing flameproofing agents, may be added to the disclosed compositions.

In this response, Applicants have amended claims 1 and 9 to specify that the 4,6-dichlorotriazinyl amine compound is used in an amount between 20 to 80% by weight relative to the cellulose. This amendment incorporates the subject matter of claim 4 into claims 1 and 9.

In rejecting claim 4 in the two § 103(a) rejections, the examiner states that the compound taught in Scheibli is used in amounts within Applicants' claimed ranges. The examiner cites col. 14, lines 62-65 and col. 15, lines 1-4 of Scheibli to support this statement. Applicants respectfully disagree.

The passage of Scheibli cited by the examiner does not support the assertion that the 4-6-dichlorotriazinyl amine compound disclosed in Scheibli is used in an amount between 20 to 80% by weight relative to the cellulose. Rather, Scheibli teaches that the disclosed compounds should only be used in amounts from 0.01 to 20% by weight relative to the cellulose fiber. See col. 15, line 66 to col. 16, line 4. This is confirmed by the examples. In examples 1, 2, and 5 of Scheibli, 10 g of viscose fabric is used with 1 g of compound (either

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from Table 1 or Table 3). This equates to the compound being used in an 10% amount relative to the cellulose fabric. Therefore, the examples in Scheibli that apply the compound to a fabric confirm the Scheibli passage from col. 15, line 66 to col. 16, line 4, which states that the compound be used in amounts of 0.01 to 20% by weight of the fiber.

Since Scheibli does not teach that the 4-6-dichlorotriazinyl amine compound may be used in an amount between 20 to 80%, but rather teaches that the compound should be used in amounts lower than Applicants' recited range, Scheibli does not anticipate nor render obvious Applicants' claimed invention.

Furthermore, the secondary references relied upon by the examiner fail to remedy the deficiencies of Scheibli. Neither Boyer nor Buehler teach or suggest that the amount of compound used by Scheibli could be modified to fall within the range claimed by Applicants. A skilled artisan would have no motivation to adjust the ranges specified in Scheibli and arrive at Applicants' claimed invention. If modified, there would be no expectation that Applicants' claimed invention could be successfully produced; in particular, there would be no expectation that the disclosed compound of Scheibli could be used in the amounts recited in Applicants' claims to impart the desired flameproof properties. The teachings of Scheibli, Boyer, and Buehler, by themselves or in combination, simply do not provide a skilled artisan with the requisite motivation to alter the disclosures in a manner that would allow the skilled artisan to arrive at Applicants' claimed invention.

Since none of the references cited by the examiner teach or suggest Applicants' claimed methods and compounds used in an amount ranging from between 20 to 80% by weight of the cellulose, the reference fail to render obvious Applicants' claimed invention. Accordingly, Applicants respectfully request that the examiner withdraw these § 103(a) rejections.

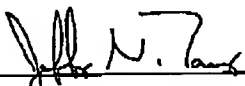
V. Conclusion

If any issues in the prosecution of this application remain unresolved, the examiner is encouraged to contact the undersigned counsel at the number listed below in order to resolve such issues.

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Respectfully submitted,
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